

CS FOR HOUSE BILL NO. 76(FIN)

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered: 3/24/21

Referred: Rules

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

1 **"An Act extending the January 15, 2021, governor's declaration of a public health**
2 **disaster emergency in response to the novel coronavirus disease (COVID-19) pandemic;**
3 **approving and ratifying declarations of a public health disaster emergency; providing**
4 **for a financing plan; making temporary changes to state law in response to the COVID-**
5 **19 outbreak in the following areas: occupational and professional licensing, practice,**
6 **and billing; telehealth; fingerprinting requirements for health care providers; charitable**
7 **gaming and online ticket sales; access to federal stabilization funds; wills; unfair or**
8 **deceptive trade practices; meetings of shareholders; and school operating funds;**
9 **relating to informed consent for COVID-19 vaccines; relating to personal objections to**
10 **the administration of COVID-19 vaccines; providing immunity from liability and**
11 **disciplinary action for occupational licensees for exposure of clients to COVID-19;**
12 **providing immunity from liability for persons engaging in business and their employees**

1 **for exposure of customers to COVID-19; and providing for an effective date."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** The uncoded law of the State of Alaska is amended by adding a new section
4 to read:

5 FINDINGS. (a) The legislature finds that

6 (1) on March 11, 2020, the governor issued a declaration of a public health
7 disaster emergency under AS 26.23.020 in anticipation of the spread of COVID-19 to the
8 state and has since issued multiple new disaster declarations for the COVID-19 outbreak;

9 (2) since the initial outbreak through the present day, the outbreak of COVID-
10 19 has resulted in serious consequences for residents of the state and the state's economy;

11 (3) many communities in the state, including the state's largest city of
12 Anchorage and the capital city of Juneau, have seen fit to impose lockdown or hunker-down
13 orders, which have severely reduced economic activity in those communities;

14 (4) lockdown orders and other pandemic-related factors have forced numerous
15 state businesses to close their doors and lay off employees or reduce service levels and
16 employee hours far below what would otherwise have been provided, to the detriment of both
17 those businesses and their hard-working employees;

18 (5) interstate and intrastate travel restrictions of varying levels of
19 restrictiveness, while intended to contain the spread of COVID-19, have resulted in further
20 reduction of economic activities in the state;

21 (6) the state has established and facilitated multiple programs to provide
22 economic assistance to struggling state residents and businesses, but the programs, while
23 providing much-needed relief, generally fall short of fully replacing regular levels of
24 voluntary economic activity;

25 (7) as a result of voluntary and government-imposed reductions of economic
26 activity,

27 (A) the state lost 29,000 jobs between October 2019 and October 2020;

28 (B) many businesses in the state have temporarily or permanently
29 closed;

30 (C) at least 45,000 students in the Anchorage School District have

1 been denied in-person education for a significant period during the pandemic;

2 (8) the shift from in-person learning to distance learning has negatively
3 affected students in the state in terms of the students' learning progression and emotional and
4 social development;

5 (9) the shift from in-person learning to distance learning has been associated
6 with increased instances of child abuse and food insecurity;

7 (10) multiple vaccines for COVID-19 have been developed and are currently
8 being distributed, allowing the state to move into a new phase of its COVID-19 recovery
9 efforts;

10 (11) due in part to the state's robust COVID-19 response efforts, the state
11 currently has the third-lowest COVID-19 fatality rate in the United States; and

12 (12) because of the diligent efforts of the state, Alaska has the highest
13 vaccination rate of all 50 states.

14 (b) Based on the findings in (a) of this section, the legislature finds that it is in the
15 best interest of the state to

16 (1) take appropriate steps to continue to contain the spread of COVID-19 and
17 to distribute COVID-19 vaccines statewide with the utmost diligence and dispatch;

18 (2) take appropriate steps to limit further harm to the state's economy, to
19 enable displaced workers in the state to return to work, and to allow students in the state to
20 rejoin in-person classes with their peers; and

21 (3) extend the public health disaster emergency declaration issued by the
22 governor on January 15, 2021, and all the powers granted under AS 18.15.390 and
23 AS 26.23.020, to September 30, 2021.

24 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
25 read:

26 PUBLIC HEALTH DISASTER EMERGENCY; APPROVAL, RATIFICATION,
27 AND EXTENSION OF DISASTER EMERGENCY. (a) The declarations of a public health
28 disaster emergency issued by the governor on November 15, 2020, December 15, 2020, and
29 January 15, 2021, are approved and ratified.

30 (b) Under AS 26.23.020(c), the Alaska State Legislature extends to September 30,
31 2021, the declaration of a public health disaster emergency issued by the governor on

1 January 15, 2021. The extension under this subsection includes an order, proclamation, or
 2 regulation issued under AS 26.23.020 and an action taken by the Department of Health and
 3 Social Services under the authority granted to the Department of Health and Social Services
 4 under AS 18.15.390.

5 (c) Notwithstanding (b) of this section, if the commissioner of health and social
 6 services certifies to the governor that there is no longer a present outbreak of novel
 7 coronavirus disease (COVID-19) or a credible threat of an imminent outbreak of COVID-19,
 8 the governor shall issue a proclamation that the public health disaster emergency identified in
 9 the declaration issued by the governor on January 15, 2021, no longer exists as of a date
 10 determined by the governor. The certification must be based on specific information received
 11 from a state or federal agency or another source that the commissioner determines to be
 12 reliable.

13 (d) The governor shall submit a proclamation issued under (c) of this section to the
 14 revisor of statutes, the president of the senate, the speaker of the house of representatives, and
 15 the lieutenant governor.

16 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 17 read:

18 PUBLIC HEALTH DISASTER EMERGENCY; FINANCING PLAN. (a) Under
 19 AS 26.23.020(k), the Alaska State Legislature approves this financing plan for the declaration
 20 of a public health disaster emergency issued by the governor on January 15, 2021, as extended
 21 by sec. 2 of this Act, and provides that the following appropriations and authorizations may be
 22 used to cope with the public health disaster emergency:

- 23 (1) the appropriations made in sec. 8, ch. 2, SLA 2020;
- 24 (2) the appropriations made in sec. 10, ch. 7, SLA 2020;
- 25 (3) the authorization made in sec. 1, ch. 8, SLA 2020, Department of Health
 26 and Social Services, allowing for up to \$20,000,000 in transfers between all appropriations
 27 made in the Department of Health and Social Services, except for transfers from the Medicaid
 28 services appropriation;
- 29 (4) the appropriations made in sec. 28, ch. 8, SLA 2020, Department of Health
 30 and Social Services,
- 31 (A) of federal receipts received during the fiscal year ending June 30,

2021, for Medicaid services; and

(B) to the Department of Health and Social Services public health emergency response for the purpose of responding to the novel coronavirus disease (COVID-19) public health disaster emergency;

(5) the appropriation made in sec. 38, ch. 8, SLA 2020, to the disaster relief fund under AS 26.23.300(a);

(6) the appropriation made in sec. 37(a), ch. 8, SLA 2020, of excess federal receipts received during the fiscal year ending June 30, 2021;

(7) the authorization made in ch. 32, SLA 2020, for expenditure of federal CARES Act receipts;

(8) federal receipts received by any state agency for purposes of mitigating the public health disaster emergency subject to use of the process prescribed in AS 26.23.020(k)(2) if the legislature is not in session and, if the legislature is in session, subject to a request to include the federal receipts in an existing appropriation bill;

(9) any future appropriations made for the fiscal years ending June 30, 2021, and June 30, 2022, for the cost of responding to and mitigating the risk of the coronavirus disease (COVID-19) outbreak.

(b) The governor may not expend more than a cumulative total of \$10,000,000 of state funds from the disaster relief fund under AS 26.23.020(h) - (k) or 26.23.300(b) in response to the declaration of a public health disaster emergency issued by the governor on January 15, 2021, as extended by sec. 2 of this Act.

(c) Notwithstanding AS 26.23.050(b), the expenditure of state funds to cope with the effects of the declaration of a public health disaster emergency issued by the governor on January 15, 2021, as extended by sec. 2 of this Act, is limited to the appropriations and expenditure authority identified in (a) and (b) of this section.

* **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to read:

REPORTS. Beginning March 1, 2021, the office of management and budget shall electronically submit, on the first day of the month, a report to the legislative finance division that lists the total expenditures incurred by the state in its response to the public health disaster emergency, including mitigating, preventing, and controlling novel coronavirus

disease (COVID-19). The report should include cumulative expenses incurred by category, beginning March 11, 2020, and the date the governor issued the initial declaration of a public health disaster emergency and should reflect changes over the last monthly reporting period. The office of management and budget shall submit a final report not later than November 30, 2021, or 60 days after the date the governor determines, under sec. 2 of this Act, that the public health disaster emergency no longer exists, whichever is earlier.

* **Sec. 5.** The uncodified law of the State of Alaska is amended by adding a new section to read:

PROFESSIONAL AND OCCUPATIONAL LICENSING. (a) Notwithstanding any other provision of law, during the novel coronavirus disease (COVID-19) public health disaster emergency declared by the governor on January 15, 2021, as extended by sec. 2 of this Act, a professional or occupational licensing board listed in AS 08.01.010, or the director, with respect to a profession regulated by the Department of Commerce, Community, and Economic Development,

(1) may not increase licensing fees; and

(2) may grant a license, permit, or certificate on an expedited basis to an individual who holds a corresponding license, permit, or certificate in good standing in another jurisdiction to the extent necessary to respond to the public health disaster emergency; a license expedited under this section expires on the earlier of

(A) September 30, 2021; or

(B) the date the governor determines, under sec. 2 of this Act, that the public health disaster emergency no longer exists.

(b) Notwithstanding any other provision of law and to the extent necessary to respond to the public health disaster emergency, a board listed in AS 08.01.010, the commissioner of commerce, community, and economic development, or the director, as applicable, may take additional action necessary to protect public health, safety, and welfare, including

(1) temporarily waiving or modifying the continuing education requirements required for licensees to renew a professional license, permit, or certificate in calendar year 2021;

(2) regulating the scope and duration of any license, permit, or certificate issued under this section;

(3) requiring any individual granted a license, permit, or certificate under this section to arrange and agree to supervision, in person or by other means, by an individual who holds a license, permit, or certificate in good standing for the applicable profession or by an administrator of a facility licensed under AS 47.32.

(c) An individual seeking or holding an expedited license, permit, or certificate under this section who travels to the state from outside the state must comply with travel restrictions ordered or guidelines recommended by the Centers for Disease Control and Prevention, United States Department of Health and Human Services, that are in effect at the time the individual arrives in the state.

(d) In this section, "director" means the director of the division in the Department of Commerce, Community, and Economic Development responsible for business and professional licensing.

* **Sec. 6.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TELEMEDICINE AND TELEHEALTH. (a) Notwithstanding any other provision of law, during the novel coronavirus disease (COVID-19) public health disaster emergency declared by the governor under AS 26.23.020 on January 15, 2021, as extended by sec. 2 of this Act, the provisions of AS 08.64.170 and AS 08.68.160 do not apply to a health care provider who is providing treatment, rendering a diagnosis, or prescribing, dispensing, or administering a prescription, excluding a controlled substance listed under AS 11.71.140 - 11.71.190, through telehealth as defined in AS 47.05.270(e), without first conducting an in-person physical examination, if

(1) the health care provider is licensed, permitted, or certified to provide health care services in another jurisdiction and is in good standing in the jurisdiction that issued the license, permit, or certification;

(2) the health care services provided without an in-person physical examination are within the provider's authorized scope of practice in the jurisdiction that issued the provider's license, permit, or certification;

(3) in the event that the health care provider determines that the encounter will extend beyond the scope of practice or scope of services described in this section, the health care provider advises the patient that the health care provider is not authorized to provide the

1 services to the patient, recommends that the patient contact a health care provider licensed in
2 the state, and terminates the encounter.

3 (b) The amount charged by a health care provider for services provided under this
4 section must be reasonable and consistent with the ordinary fees typically charged for that
5 service and may not be more than five percent above the ordinary fees typically charged for
6 that service. A health care provider who is required to terminate an encounter under (a)(3) of
7 this section may not charge for any services provided during the encounter.

8 (c) Notwithstanding any other provision of law, during the COVID-19 public health
9 disaster emergency, the commissioner of health and social services may waive any state law
10 or regulation if compliance would substantially prevent or impede the provision of health care
11 services under this section. Nothing in this subsection may be construed to abrogate authority
12 granted to the commissioner of health and social services under AS 18.15.390.

13 (d) In this section, "health care provider" has the meaning given in AS 18.15.395.

14 * **Sec. 7.** The uncoded law of the State of Alaska is amended by adding a new section to
15 read:

16 FINGERPRINTING. For the duration of the novel coronavirus disease (COVID-19)
17 public health disaster emergency declaration issued by the governor on January 15, 2021, as
18 extended by sec. 2 of this Act, the Department of Commerce, Community, and Economic
19 Development shall coordinate with the Department of Health and Social Services and the
20 Department of Public Safety to expedite the process for applicants under AS 08.29, AS 08.36,
21 AS 08.64, AS 08.68, AS 08.71, AS 08.72, AS 08.80, AS 08.84, and AS 08.86 to submit
22 fingerprints.

23 * **Sec. 8.** The uncoded law of the State of Alaska is amended by adding a new section to
24 read:

25 MEETINGS OF SHAREHOLDERS; NOTICE OF SHAREHOLDER MEETINGS;
26 CORPORATIONS. (a) Notwithstanding AS 10.06.405, a meeting of shareholders may be
27 held by electronic communication to the extent the corporation's board authorizes and adopts
28 guidelines to govern an electronic meeting.

29 (b) Notwithstanding AS 10.06.410, a corporation that has distributed or is planning to
30 distribute, on the effective date of this Act, a proxy statement and notice of annual meeting to
31 its shareholders may renotece or notice the annual meeting so that the annual meeting may be

1 held by electronic communication authorized under (a) of this section.

2 (c) Notwithstanding AS 10.20.061 - 10.20.076, a meeting of the members of a
3 nonprofit corporation organized under AS 10.20, including meeting notice and determination
4 of a quorum, may be held by telecommunication to the extent the corporation's board adopts
5 or amends bylaws to allow for an electronic meeting.

6 (d) Notwithstanding (a) - (c) of this section and a provision of AS 10.06 or AS 10.20
7 to the contrary, a meeting, including the notice of the meeting and determination of a quorum,
8 of the shareholders of a Native corporation organized under AS 10.06 or the members of a
9 Native corporation organized under AS 10.20 may be held by electronic communication or
10 telecommunication to the extent the corporation's board of directors authorizes holding
11 meetings by electronic communication or telecommunication and adopts guidelines to govern
12 a meeting held by electronic communication or telecommunication. In this subsection,
13 "Native corporation" means a corporation organized under 43 U.S.C. 1601 et seq. (Alaska
14 Native Claims Settlement Act).

15 * **Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to
16 read:

17 DEPARTMENT OF REVENUE; CHARITABLE GAMING ONLINE TICKET
18 SALES. (a) Notwithstanding any other provision of law, for the duration of the novel
19 coronavirus disease (COVID-19) public health disaster emergency declared by the governor
20 under AS 26.23.020 on January 15, 2021, as extended by sec. 2 of this Act, the Department of
21 Revenue may permit online charitable gaming ticket sales specified in (b) of this section to
22 benefit charities in the state.

23 (b) Notwithstanding AS 05.15.640, a permittee, operator, or multiple-beneficiary
24 permittee may sell tickets online for a raffle or lottery, dog mushers' contest, derby, or type of
25 classic defined in AS 05.15.690. A permittee may draw winning tickets online.

26 (c) A ticket seller may not sell a ticket online unless and until the seller verifies that,
27 at the time of sale, the purchaser is

- 28 (1) of legal purchasing age;
- 29 (2) physically present in the state; and
- 30 (3) not physically present within an option area where charitable gaming is
- 31 prohibited.

(d) The Department of Revenue shall establish standards for online ticket sales to ensure compliance with charitable gaming laws, including

(1) age and location verification requirements reasonably designed to block online ticket sales to a person who is

(A) located outside the state; or

(B) not of legal purchasing age; and

(2) appropriate data security standards to prevent unauthorized online ticket sales to a person whose age and current location has not been verified.

* **Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to read:

INFORMED CONSENT FOR COVID-19 VACCINES. A health care provider may not administer a COVID-19 vaccine to an individual without first obtaining the informed consent of the individual or, if the individual is a minor child, of a parent or guardian of the minor child.

* **Sec. 11.** The uncodified law of the State of Alaska is amended by adding a new section to read:

PERSONAL OBJECTIONS TO THE ADMINISTRATION OF COVID-19 VACCINES. An individual may object to the administration of a COVID-19 vaccine based on religious, medical, or other grounds. A parent or guardian of a minor child may object to the administration of a COVID-19 vaccine to the minor child based on religious, medical, or other grounds. A person may not require an individual to provide justification or documentation to support the individual's decision to decline a COVID-19 vaccine or to decline a COVID-19 vaccine for a minor child.

* **Sec. 12.** The uncodified law of the State of Alaska is amended by adding a new section to read:

SCHOOL OPERATING FUNDS. (a) Notwithstanding AS 14.17.505(a), a school district may accumulate in a fiscal year an unreserved portion of its year-end fund balance in its school operating fund, as defined in regulation by the Department of Education and Early Development, in any amount.

(b) Notwithstanding AS 14.17.505(b), the unreserved portion of the year-end operating fund balance of a school district for the preceding fiscal year may not be used to

1 reduce the state aid paid to that school district in the current fiscal year.

2 * **Sec. 13.** AS 08.02 is amended by adding a new section to read:

3 **Sec. 08.02.022. Licensee liability for client exposure to COVID-19.** (a) A
4 licensee is immune from disciplinary action under this title for sickness, death,
5 economic loss, and other damages suffered by a client of the licensee from exposure to
6 novel coronavirus disease (COVID-19) in the course of the licensee's practice of the
7 licensee's trade or profession.

8 (b) To qualify for immunity under this section, a licensee must have been
9 practicing the licensee's trade or profession in substantial compliance with the
10 applicable federal, state, and municipal laws and health mandates in effect at the time
11 of the client's exposure to COVID-19.

12 (c) Immunity under this section does not apply to exposure to COVID-19
13 resulting from the gross negligence, recklessness, or intentional misconduct of a
14 licensee.

15 (d) Immunity under this section is in addition to any other immunity from
16 liability provided under state or federal law.

17 (e) In this section, "licensee" has the meaning given in AS 08.01.110.

18 * **Sec. 14.** AS 45.45 is amended by adding a new section to read:

19 **Sec. 45.45.940. Business and employee liability for customer exposure to**
20 **COVID-19.** (a) A person who engages in business and an employee of that person
21 when working in the business are immune from civil liability for sickness, death,
22 economic loss, and other damages suffered by a customer from exposure to novel
23 coronavirus disease (COVID-19) while patronizing the business.

24 (b) To qualify for immunity under this section, the person engaging in
25 business must have been operating the business in substantial compliance with the
26 applicable federal, state, and municipal laws and health mandates in effect at the time
27 of the customer's exposure to COVID-19.

28 (c) Immunity under this section does not apply to exposure to COVID-19
29 resulting from the gross negligence, recklessness, or intentional misconduct of a
30 person engaging in business or an employee of that person.

31 (d) Immunity under this section is in addition to any other immunity from

1 liability provided under state or federal law.

2 * **Sec. 15.** The uncoded law of the State of Alaska enacted in sec. 37, ch. 10, SLA 2020, is
3 amended to read:

4 Sec. 37. Sections [25, 26, 28,] 29 [,] and 31 of this Act are repealed March 11,
5 2021.

6 * **Sec. 16.** Sections 25, 26, and 28, ch. 10, SLA 2020, are repealed on the earlier of

7 (1) September 30, 2021; or

8 (2) the date the governor determines, under sec. 2 of this Act, that the
9 public health disaster emergency declared by the governor under AS 26.23.020 on
10 January 15, 2021, as extended by sec. 2 of this Act, no longer exists.

11 * **Sec. 17.** The uncoded law of the State of Alaska is amended by adding a new section to
12 read:

13 APPLICABILITY. Sections 13 and 14 of this Act apply to novel coronavirus disease
14 (COVID-19) exposure occurring on or after February 15, 2021.

15 * **Sec. 18.** (a) Sections 1 - 3 and 5 - 11 of this Act are repealed on the earlier of

16 (1) September 30, 2021; or

17 (2) the date the governor determines, under sec. 2 of this Act, that the public
18 health disaster emergency declared by the governor under AS 26.23.020 on January 15, 2021,
19 as extended by sec. 2 of this Act, no longer exists.

20 (b) Section 12 of this Act is repealed June 30, 2023.

21 * **Sec. 19.** The uncoded law of the State of Alaska is amended by adding a new section to
22 read:

23 RETROACTIVITY. (a) Except as provided in (b) of this section, this Act is
24 retroactive to February 14, 2021.

25 (b) Section 2(a) of this Act is retroactive to November 15, 2020.

26 * **Sec. 20.** This Act takes effect immediately under AS 01.10.070(c).